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PLEASE REPLY TO
GOSHEN OFFICE

simultaneously

January 8, 2014

*Each side may file
a letter, no more than
3 pages, addressing the
2 cases described in
Via Fax - 914-390-4278*

Honorable Cathy Seibel
United States District Court
For the Southern District of New York
The Honorable Charles L. Brieant Jr. Federal Building and
United States Courthouse, Room 218
300 Quarropas Street
White Plains, New York 10601-4150

*Mr. MacDonald's letter 1/8/14
letter. ~~Bozell~~ ~~Bozell~~ ~~Bozell~~
~~on the same day, which can be~~
~~Bozell~~ Letters due
1/17/14.*

Re: Bozella v. County of Dutchess, et al., No. 10 Civ. 4917 (S.D.N.Y.)

Dear Judge Seibel:

To Ordered.

We are in receipt of Plaintiff's letter request to "file on January 15, 2014 a three page letter regarding the applicability (or inapplicability) of two opinions issued after Mr. Bozella served the last of his summary judgment papers on November 12, 2013."

*Cathy Seibel
U.S.D.J.
1/10/14*


We did not receive a simultaneous fax copy of Mr. Macdonald's letter that was faxed to Your Honor yesterday afternoon at 2:09 as required by 1(c) of Your Honor's Individual Rules. Our first notice of this letter request was Mr. Firszenbaum's email transmission at 2:31 less than 45 minutes before receipt of the Court's decision granting the Plaintiff's request. Leaving aside the issue of the merits of Mr. Macdonald's request, his letter presumptuously contended that his request would not "prejudice the Defendants." Based upon Mr. Macdonald's unopposed submission, the Court's granted Plaintiff's request.

Defendants believe Plaintiff's request should have been denied because it is without merit and because it comes more than one week after the final date for the submission of all summary judgment papers (the extension of the filing date to January 15, 2014 was to allow for the filing of the redacted papers only). Notwithstanding the foregoing, Defendants respectfully request this Court issue a supplemental order granting Plaintiff's permission to file a three-page letter on January 15, 2014 as indicated in Mr. MacDonald's correspondence and grant to the Defendants permission to file a three-page

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letter in response on January 17, 2014. The filing of the respective motion for summary judgment papers will not be affected by submission of Defendants' three-page letter on January 17, 2014.

Respectfully submitted,



Patrick T. Burke

PTB:vc

cc: Peter Macdonald, Esq.
Ross Firsenbaum, Esq.
Michael K. Burke, Esq.
Phyllis A. Ingram, Esq.